

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1612

By: David

COMMITTEE SUBSTITUTE

An Act relating to law enforcement unification; creating the Oklahoma Department of Public Safety Unification Act of 2022; creating the Oklahoma Department of Public Safety; stating the divisions of the Department; providing for appointment of a Commissioner of the Oklahoma Department of Public Safety; stating qualifications of the Commissioner; creating the Oklahoma Board of Public Safety; providing for membership; providing for quorum; providing powers and duties of the Board; directing consolidation of agencies; directing affirmation of certain agency positions; providing for authority of the Commissioner; stating powers, duties, and responsibilities of the Commissioner; directing the creation and maintenance of a Public Integrity Division; providing for responsibilities of the Public Integrity Division; requiring certain budget funding; providing for qualifications of investigators; directing establishment of a Public Integrity Joint Task Force; providing for the Oklahoma Department of Public Safety Revolving Fund; providing for the creation and maintenance of a Mental Wellness Division; directing establishment of policies and procedures; allowing certain partnerships; providing for the Mental Wellness Division Revolving Fund; authorizing establishment of certain foundation; providing for noncodification; providing for codification; and providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Oklahoma
5 Department of Public Safety Unification Act of 2022".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 9101 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Upon effective date of this act, there is hereby created the
10 Oklahoma Department of Public Safety. The Oklahoma Department of
11 Public Safety shall include the following law enforcement
12 departments and agencies:

- 13 1. The Oklahoma Highway Patrol Division;
14 2. The Oklahoma State Bureau of Investigation; and
15 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
16 Control.

17 B. The Oklahoma Department of Public Safety may include, but
18 shall not be limited to, the following divisions:

- 19 1. Administration, to be comprised of the non-law enforcement
20 division of the current Department of Public Safety;
21 2. Training and Recruitment; and
22 3. Licensing.

23 C. The Oklahoma Board of Public Safety, established in Section
24 2 of this act, shall appoint a Commissioner for the Oklahoma

1 Department of Public Safety. Compensation for the Commissioner
2 shall be determined by the Board. Qualifications for the
3 Commissioner shall include:

- 4 1. A bachelor's degree;
- 5 2. A minimum of five (5) years of demonstrated, successful
6 leadership experience;
- 7 3. Relevant experience in law enforcement, public safety, or
8 related field; and
- 9 4. A person of character, reputation, knowledge, and
10 understanding of the emerging trends facing front-line public safety
11 personnel, skills, integrity, ability, and training.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 9102 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby created the Oklahoma Board of Public Safety.
16 The Board shall be comprised of eleven (11) members as follows:

- 17 1. Two members who shall be lay members, who have a law
18 enforcement background, appointed by the Governor;
- 19 2. The Secretary of Public Safety, or designee;
- 20 3. One member, who shall be a lay member who has a law
21 enforcement background, appointed by the President Pro Tempore of
22 the Senate;

1 4. One member, who shall be a lay member who has a law
2 enforcement background, appointed by the Speaker of the House of
3 Representatives;

4 5. The Attorney General, or designee;

5 6. One member who shall be a currently elected district
6 attorney, appointed by the Governor;

7 7. One member, who shall be a sheriff of a county with a
8 population of twenty-five thousand (25,000) or more, as determined
9 by the latest Federal Decennial Census, appointed by the Board of
10 Directors of the Oklahoma Sheriffs' Association;

11 8. One member, who shall be a sheriff of a county with a
12 population under twenty-five thousand (25,000), as determined by the
13 latest Federal Decennial Census, appointed by the Board of Directors
14 of the Oklahoma Sheriffs' Association;

15 9. One member, who shall be a chief of police representing a
16 municipality with a population over one hundred thousand (100,000),
17 as determined by the latest Federal Decennial Census, appointed by
18 the Board of Directors of the Oklahoma Association of Police Chiefs;
19 and

20 10. One member, who shall be a chief of police representing a
21 municipality with a population under one hundred thousand (100,000),
22 as determined by the latest Federal Decennial Census, appointed by
23 the Board of Directors of the Oklahoma Association of Police Chiefs.
24

1 B. The Governor shall serve as chair of the Board. The
2 Governor shall call the first meeting of the Board no later than
3 October 1, 2022. The Secretary of Public Safety shall serve as vice
4 chair of the Board. A quorum of members shall be necessary to
5 conduct any official business.

6 C. Board meetings shall be hosted by the Governor.

7 D. The Board shall appoint the Commissioner of the Oklahoma
8 Department of Public Safety no later than January 1, 2023.

9 E. The Governor shall preside at all meetings of the Board and
10 shall have the power to call meetings of the Board. In addition,
11 meetings of the Board may be called by a majority of the members.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 9103 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 The Board shall have the following powers and duties:

16 1. To appoint or dismiss the Commissioner of the Oklahoma
17 Department of Public Safety;

18 2. To determine the compensation of the Commissioner; and

19 3. To hear and investigate any complaint against the
20 Commissioner.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 9104 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Effective July 1, 2023, the Commissioner of the Oklahoma
2 Department of Public Safety shall merge the following agencies into
3 the Oklahoma Department of Public Safety as divisions of the
4 Department, each maintaining its unique statutory mission:

- 5 1. The Oklahoma Highway Patrol Division;
- 6 2. The Oklahoma State Bureau of Investigation Division; and
- 7 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
8 Control Division.

9 B. The Commissioner of the Oklahoma Department of Public Safety
10 shall be the chief administrator of the Department. The
11 Commissioner shall have the authority to delegate duties and
12 responsibilities to the respective division chiefs.

13 C. No later than July 1, 2023, the Commissioner of the Oklahoma
14 Department of Public Safety shall have the authority to affirm the
15 current Commissioner of the Department of Public Safety, Chief of
16 the Oklahoma Highway Patrol Division, Director of the Oklahoma State
17 Bureau of Investigations, and the Director of the Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control as the chief of his
19 or her respective division and to appoint a chief of a respective
20 division if the current position is vacant.

21 D. Notwithstanding any other provision of law, the Commissioner
22 of the Oklahoma Department of Public Safety shall have authority to
23 budget and expend the operating funds of the agency.

1 E. Notwithstanding any other provision of law, the Commissioner
2 of the Oklahoma Department of Public Safety shall have the authority
3 to administer all funds appropriated for the fiscal year ending on
4 June 30, 2023, for the operation of the Oklahoma State Bureau of
5 Investigations, Oklahoma State Bureau of Narcotics and Dangerous
6 Drugs Control, and the Department of Public Safety.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 9105 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Commissioner of the Oklahoma Department of Public Safety
11 shall have the following powers, duties, and responsibilities:

12 1. Formulate and implement a unified law enforcement and public
13 safety strategy for activities of the Department with annual and
14 long-term measurable goals and objectives to achieve greater public
15 safety, which shall be published on the Oklahoma Department of
16 Public Safety website;

17 2. Appoint or confirm division chiefs of the respective
18 divisions of the Department who shall serve at the pleasure of the
19 Commissioner;

20 3. Appoint any other staff that may be necessary and proper for
21 the administration of the Department who shall serve at the pleasure
22 of the Commissioner;

23 4. Administer the activities of the Department and all
24 divisions under control of the Department and act for the Department

1 in all matters including budgetary matters and expenditures of the
2 divisions, except as may be otherwise provided in this act;

3 5. Prepare proposed rules and regulations considered necessary
4 for the operation of the Oklahoma Department of Public Safety;

5 6. Enter into contracts with public agencies, institutions of
6 higher education, and private organizations or individuals for the
7 purpose of conducting research, demonstrations, or special projects
8 which bear directly on the operation of the Department or the
9 reduction of crime;

10 7. Enter into contracts for education and research activities
11 without performance bonds;

12 8. Create, modify, merge, or reorganize any of the divisions or
13 units within the Oklahoma Department of Public Safety as the
14 Commissioner may deem appropriate, consistent with this act, to
15 effectively administer a unified law enforcement system in this
16 state;

17 9. Commission employees as peace officers of the Oklahoma
18 Department of Public Safety;

19 10. Investigate any complaint against the Department or any of
20 its employees;

21 11. Be directly responsible for all monies appropriated for and
22 deposited to the credit of the Department and each division under
23 its control and approve all claims and payments, or delegate
24

1 responsibility as provided for in Section 34.68 of Title 62 of the
2 Oklahoma Statutes;

3 12. Accept gifts, bequests, devices, contributions, and grants,
4 public or private including federal funds or funds from any other
5 source for use in furthering the purpose of the Department;

6 13. Purchase, lease, and maintain motor vehicles and other
7 equipment and properties for use by employees of the Department;

8 14. Purchase or lease and equip motor vehicles for the use of
9 the Governor and Lieutenant Governor;

10 15. Authorize the use of a state-owned motor vehicle as
11 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

12 16. Transfer assets within the Oklahoma Department of Public
13 Safety as may be necessary and proper for the operation of the
14 Department;

15 17. Maintain records of all proceedings and official orders;
16 and

17 18. No later than July 1, 2023, all employees of the Oklahoma
18 Department of Public Safety shall be under the authority of the
19 Commissioner and shall be exempt from the Office of Management and
20 Enterprise Services (OMES) governance.

21 B. After appointment and before entering upon the discharge of
22 duties, the Commissioner shall take and subscribe to the oath of
23 office required by the Constitution. Bonding of the Commissioner
24

1 and other employees of the Department shall be provided under the
2 provisions of Section 85.58Q of Title 74 of the Oklahoma Statutes.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 9106 of Title 74, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Oklahoma Department of Public Safety shall establish and
7 maintain a Public Integrity Division. The Commissioner of the
8 Oklahoma Department of Public Safety shall appoint the Chief of the
9 Public Integrity Division, who shall report directly to the
10 Commissioner.

11 B. The Public Integrity Division is authorized to and shall be
12 responsible for investigating any elected or appointed state,
13 county, or political subdivision officer or employee when there is
14 sufficient basis to suspect bribery, corruption, forgery, or perjury
15 or any other crime related to his or her duties or related to
16 campaign contributions or campaign financing for that or any other
17 office.

18 C. The offices, records, communications, information
19 technology, equipment, evidence, and any other resources of the
20 Public Integrity Division shall be located and maintained separately
21 from that of the other divisions within the Department.

22 D. The investigators assigned to the Public Integrity Division
23 shall maintain the confidentiality of the investigative activities
24 of the Division during and after their service in the Division.

1 E. The Department shall fund the budget of the Public Integrity
2 Division to ensure that the Division has resources to carry out its
3 primary mission.

4 F. The Department shall take all necessary and appropriate
5 steps to ensure the confidentiality and integrity of all
6 investigative activity of the Division. The Department shall timely
7 and thoroughly investigate apparent or suspected information leaks
8 to determine the source and take appropriate disciplinary or
9 corrective action if the source is determined to be an employee or
10 relation to an employee of the Division.

11 G. Investigators assigned to the Division shall possess
12 education, training, and experience suited to the nature of public
13 corruption investigations.

14 H. Upon establishment of the Division and the appointment of a
15 division chief, he or she shall work with the Federal Bureau of
16 Investigation and the United States attorneys in Oklahoma to
17 establish and maintain a Public Integrity Joint Task Force.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 9107 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund
22 for the Oklahoma Department of Public Safety to be designated the
23 "Oklahoma Department of Public Safety Revolving Fund". The fund
24 shall be a continuing fund, not subject to fiscal year limitations,

1 and shall consist of any monies received from the sale of surplus
2 and confiscated property, fees, and receipts collected pursuant to
3 the Oklahoma Open Records Act, gifts, bequests, devises,
4 contributions, or grants, public or private including federal funds
5 unless otherwise provided for by federal law or regulation,
6 reimbursements, refunds, fees, and receipts from any other source.
7 All monies, and other money as provided by law, accruing to the
8 credit of the fund are hereby appropriated and may be budgeted and
9 expended by the Oklahoma Department of Public Safety for general
10 operations of the Department. Expenditures from the fund shall be
11 made upon warrants issued by the State Treasurer against claims filed
12 as prescribed by law with the Director of the Office of Management
13 and Enterprise Services for approval and payment.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 9108 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Oklahoma Department of Public Safety shall establish and
18 maintain a Mental Wellness Division to provide mental wellness
19 services and programs to public safety personnel to promote good
20 mental wellness. The Commissioner shall appoint the Director of the
21 Mental Wellness Division.

22 B. The Director of the Mental Wellness Division shall report to
23 the Commissioner. All current and former employees of the Mental
24 Wellness Division shall maintain the privacy of all public safety

1 personnel served by the Division or who participate in its programs.
2 No privileged personal health information shall ever be shared with
3 the Commissioner or made public without the consent of that person.
4 However, aggregate mental health information may be shared with the
5 Commissioner. Aggregate mental health information may be made
6 public by the Commissioner if, in the judgment of the Commissioner,
7 doing so could improve public safety mental wellness policies for
8 public safety personnel and is made public for this sole purpose.
9 Provided, no aggregate mental health information may be shared or
10 made public if doing so could reveal otherwise privileged personal
11 mental health information about any specific individual. It shall
12 be the duty of the Director of the Division to establish the
13 necessary policies and procedures to ensure the privacy and
14 confidentiality requirements of this section and of all other
15 applicable health privacy laws. Any breach of the privacy
16 provisions of this section and of any other applicable health
17 privacy laws must be timely and thoroughly investigated and the
18 appropriate disciplinary and corrective actions taken.

19 C. The Mental Wellness Division is authorized to enter into
20 partnerships with private entities to fulfill its mandate.

21 D. The offices, records, communications, information
22 technology, equipment, and any other resources of the Mental
23 Wellness Division shall be located and maintained separately from
24 that of the other divisions within the Department.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9109 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Department of Public Safety on behalf of the Mental
6 Wellness Division of the Oklahoma Department of Public Safety to be
7 designated the "Mental Wellness Division Revolving Fund". The fund
8 shall be a continuing fund, not subject to fiscal year limitations,
9 and shall consist of those monies appropriated to the fund by law or
10 deposited in the fund as provided pursuant to the provisions of
11 Section 11 of this act. All monies accruing to the credit of the
12 fund are hereby appropriated and may be budgeted and expended by the
13 Mental Wellness Division for the purpose of providing mental
14 wellness services and programs to public safety personnel.
15 Expenditures from the fund shall be made upon warrants issued by the
16 State Treasurer against claims filed as prescribed by law with the
17 Director of the Office of Management and Enterprise Services for
18 approval and payment.

19 SECTION 11. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 9110 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 A. There is hereby authorized the establishment of a not-for-
23 profit foundation to raise funds for the Mental Wellness Division
24

1 Revolving Fund, created in Section 10 of this act, and the
2 achievement of the goals of this act.

3 B. The foundation created pursuant to this section may receive
4 funds from any public or private source to carry out the purposes of
5 this act including, but not limited to, gifts or grants from any
6 department, agency, or instrumentality of the United States or of
7 this state for any purpose consistent with the provisions of this
8 act.

9 C. Upon proper incorporation, the foundation shall secure tax-
10 exempt status under the appropriate provision of Section 501(c) of
11 the Internal Revenue Code, 26 U.S.C., Section 501(c).

12 D. Any member of the foundation who may have a financial
13 interest in an action under consideration by the foundation shall
14 abstain from voting on such matter.

15 SECTION 12. This act shall become effective in accordance with
16 the provisions of Section 58 of Article V of the Oklahoma
17 Constitution.

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